



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/209,878 01/23/99 BOYER

M 07031-006001

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PM82/1009

EXAMINER

MARGARET A BOULWARE
JENKENS AND GILCHRIST
1100 LOUISIANA
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HOUSTON TX 77002

STEPHAN, B ART UNIT	PAPER NUMBER
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3635
DATE MAILED:

10/09/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/239,878

Applicant(s)

BOYER ET AL.

Examiner

Beth A Stephan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-35 is/are pending in the application.
- 4a) Of the above claim(s) 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892), 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 24 6) ☐ Other: _____

Receipt is acknowledged of the amendment filed 7/30/01.

Information Disclosure Statement

Receipt is acknowledged of Form 1449 filed 7/5/01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani'598 in view of Hsu'985. Guardiani teaches a modular vault comprising a seamless housing body, see Figure 6-10, formed as a single piece, the body having portions defining a front wall having a door frame opening, see Figure 9, a rear wall, two side walls, a roof and a floor, and a door mountable in the door frame opening, see column 6, lines 4-6. Guardiani lacks the specific use of a door frame with the door in the frame. It is inherent that the vault is burglar proof and fire resistant as it is made from concrete, see column 6, lines 20-22.

Hsu teaches a one room modular vault having an opening for a door frame(40) for receiving a door(12). It would have been obvious for one having ordinary skill in the art at the time of the invention to have provided the vault of Guardiani with a door frame, such as that taught by Hsu, in order to have secured the door to the walls.

Claims 34-35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani'598 as applied to claim 33 above, further in view of Speer'817. Guardiani teaches the vault discussed previously but lacks the use of hooks, and additional walls with the vault.

Speer teaches a vault(10) having hooks(27) for facilitating hoisting of the vault. It would have been obvious for one having ordinary skill in the art at the time of the invention to have provided the vault of Guardiani with the hooks of Speer to aided in hoisting the vault to place it where it needs to be.

The number of walls used for the vault of Guardiani is deemed a matter of obvious design choice for a skilled artisan given the intended use of the vault and the desired shape of the space to be made.

Response to Arguments

Applicant's arguments with respect to claims 33-35 have been considered but are moot in view of the new ground(s) of rejection.

Applicant should note that the Speer reference is being used to teach only the hooks and not the specifics of the vault.

Applicant should note column 6, lines 4-6 of the Guardiani reference. This portion teaches the use of doors within the vaults.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth A Stephan whose telephone number is (703) 308-2485. The examiner can normally be reached on Tues-Fri, 7:30 - 6:00 pm.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-7687 for regular communications and (703) 305-7687 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

A handwritten signature in black ink, appearing to read "Beth A. Stephan". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Beth A Stephan
Primary Examiner
Art Unit 3635

BAS
October 5, 2001